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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,256	06/22/2001	Masaaki Mawatari	210241US0	5541

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EXAMINER

WOODWARD, ANA LUCRECIA

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/886,256

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 09/19/01; 08/27/01; 12/4/02; 12/30/02

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3 is/are rejected.

☒ Claim(s) 4-6 is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some\* ☐ None of the:

☒ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2, 4

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

Office Action Summary

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 4-6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend upon another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-6 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite in that the basis upon which the recited contents were determined is not apparent.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,143,983 (Yamagishi et al).

Yamagishi et al disclose heat resistant polyamide films obtained from a polyamide composition comprising (A) a polyamide composed of diaminobutane and adipic acid, i.e., nylon 4,6, and (B) a semi-aromatic polyamide composed of an aromatic dicarboxylic acid and an

Art Unit: 1711

aliphatic diamine, in a weight ratio of (A):(B) of 99.9:0.1 to 30:70. As the aliphatic diamine, any diamine having from 2 to 12 carbon atoms can be employed. As the aromatic dicarboxylic acid, terephthalic acid is listed as a preferred acid (column 3, lines 34-47).

In essence, the disclosure of Yamagishi et al differs from the presently claimed invention in not expressly exemplifying a semi-aromatic polyamide composed of at least one of 1,9-nonanediamine and 2-methyl-1-1,8-octanediamine with terephthalic acid. The general disclosure of the reference, however, clearly embraces the utilization of aliphatic diamines having 9 carbon atoms in the production of the semi-aromatic polyamide, the latter preferably being derived from terephthalic acid (column 3, lines 34-35). Accordingly, it would have been within the sphere of obviousness encompassed by the general disclosure of the reference, to one having ordinary skill in the art, to have produced a polyamide composition comprising nylon 4,6 in conjunction with a polyamide meeting the requirements of the presently claimed component (B) with the reasonable expectation of success.

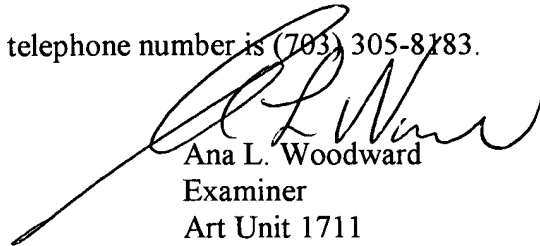
If applicants can establish, via affidavit or declaration, that results other than the expected additive effect of the two polyamides are obtained, than a more favorable consideration would be given to the claims commensurate in scope with the showing. In this regard, it is noted that the results proffered by way of applicants' experimental data are not probative of unusual or unexpected results due to the absence of data pertaining to the nylon 4,6 alone and to the semi-aromatic polyamide alone.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (703) 308-2401. The examiner can normally be reached on Monday-Friday (8:30-5:00).

Art Unit: 1711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8183.



Ana L. Woodward  
Examiner  
Art Unit 1711

AW  
March 20, 2003